

REMARKS

This response is a full and timely response to the final Office Action dated March 13, 2007. Claims 1-12 and 14-52 have been amended, and claims 78-94 have been added; as such claims 1-52 and 78-94 are now pending in this application. Claims 1, 14, 27, 40, and 78 are independent claims. Reconsideration and allowance is requested in view of the claim amendments and the following remarks.

No new matter has been added by this Amendment. Support for the amended claims and new claims is found in Applicant's specification as filed. Support for the feature "wherein said scene description comprises at least one node and at least one signal used to construct said scene, each said node describing an object or a relationship between objects" is described in figure 3, and ¶¶ 65-68. (See, e.g., U.S. Pre-Grant Pub. No. 2002/0031188). New claims 78-94 recite subject matter similar to claims 1-14, absent the use of "means" terminology.

35 U.S.C. § 103 Rejections

Claims 1-52 have been rejected under 35 U.S.C. § 103(a) as obvious over Tracton et al. (U.S. Patent No. 6,470,378) in view of Basch et al. (U.S. Patent No. 8,012,982).

Amended claims 1 recites: *[a] data transmission system comprising:
a transmitting apparatus that transmits a scene description; and
a receiving apparatus that constructs a scene according to said scene description;
wherein said transmitting apparatus comprises a scene description processing means that transfers a scene description, which conforms to at least one of a transmission line state and a request issued from said receiving apparatus, and appends time information to said scene description;
wherein said receiving apparatus monitors said time information sent from said transmitting apparatus and detects a delay in transmission using said time information; and
wherein said scene description comprises at least one node and at least one signal used to construct said scene, each said node describing an object or a relationship between objects.*

Tracton discloses an apparatus capable of adapting its response to a client request in light of the client's available resources or the pre-existing network conditions. Tracton provides various techniques by which the client's resources and network capabilities can be detected using a predetermined client profile stored in a registry server (figure 5 and 8), or via a client request (*i.e.*, the client indicates its available resources) (column 2, lines 50-60). Tracton discloses that the server may select the appropriate content or may scale down the existing content based on the client's capabilities and the available bandwidth.

With respect to claim 1, Tracton does not disclose or suggest a *"scene description [which] comprises at least one node and at least one signal used to construct [a] scene, each said node describing an object or a relationship between objects."*

In applying Tracton to the existing claims, the Office Action compares: (i) the claimed "scene transmission" to transmitting an MPEG video; (ii) the claimed "scene description" to the various data tables employed in MPEG transmissions to separate out video, audio, and auxiliary content; and (iii) the claimed "one or more signals" to the video, audio, and auxiliary content streamed via an MPEG stream.

Applicant submits that an MPEG video and its constituent data tables cannot properly compare to a scene description comprising nodes that describe objects and object relationships. Furthermore, the Office Action compares the scene description to a MPEG table, however an MPEG table is not comparable to a *"scene description comprise[d] [of] at least one node and at least one signal,"* because the Office Action compares signals to audio, video, and auxiliary streams, which are only referenced by, but are not included in, the MPEG table. Finally, the MPEG table does not disclose nodes capable of describing "relationships between objects" contained in the nodes.

With respect to claim 1, Applicant further submits that Tracton does not disclose or suggest *"a scene description processing means that transfers a scene description, which conforms to at least one of a transmission line state and a request issued from said receiving apparatus, and appends time information to said scene description."* In particular, Tracton

does not teach or suggest appending scene information to an MPEG table prior to transmission because Tracton does not teach or suggest appending any information to the MPEG file table. Instead, Tracton only teaches selecting an appropriate MPEG file based on a client's resources.

Basch discloses a clock-stamped reference value incorporated into data packets to detect and thereby compensate for jitter in transmitted MPEG video. By combining Tracton and Basch, the Office Action attempts to remedy the absence of time information for detecting network delays in Tracton. However, like Tracton, Basch does not disclose or suggest a "*scene description [that] comprises at least one node and at least one signal used to construct [a] scene, each said node describing an object or a relationship between objects,*" nor does Basch teach or suggest "*a scene description processing means that transfers a scene description, which conforms to at least one of a transmission line state and a request issued from said receiving apparatus, and appends time information to said scene description*" as recited in claim 1.

Accordingly, neither reference teaches or suggests that the "*scene description comprises at least one node and at least one signal used to construct [a] scene, each said node describing an object or a relationship between objects.*" Therefore, even if Tracton and Basch were combinable (which is not admitted), Applicant submits that the combination would fail to teach or suggest all the features of claim 1. Instead, a combination of Tracton and Basch would necessarily yield an MPEG transmission system capable of compensating for jitter in streamed MPEG video. The combination would not include a scene description as recited in claim 1.

Since even a combination of the relied upon references fails to yield the claimed invention, Applicant submits that a *prima facie* case of obviousness for claim 1 has not been presented.

For the reasons stated above claims 14, 27, and 40 also overcome the combination of Tracton and Basch (although claims 1, 14, 27, and 40 should be interpreted solely based upon the limitations set forth therein). Furthermore, at least for the reasons disclosed above, claims 2-13, 15-26, 28-39, and 41-52 overcome the combination of Tracton and Levy because they depend from independent claims 1, 14, 27, and 40, respectively.

Application No.: 09/931,577

SON-2196

Accordingly, Applicant respectfully requests that the rejection of claims 1-52 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2196 from which the undersigned is authorized to draw.

Dated: July 12, 2007

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorney for Applicant